

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

V.

**DON EUGENE SIEGELMAN,
PAUL MICHAEL HAMRICK,
GARY MACK ROBERTS, and
RICHARD M. SCRUSHY**

CRIMINAL NO. 2:05-CR-119-F

**UNITED STATES’ RESPONSE TO DEFENDANTS SIEGELMAN’S AND SCRUSHY’S
MOTIONS TO UNSEAL**

COMES NOW the United States of America, by and through Louis V. Franklin, Sr., Acting United States Attorney for the Middle District of Alabama, and hereby files its Response to Defendants Siegelman's and Scrushy's Motions to Unseal. In its Order of January 13, 2006, this Court directed the United States to show cause why Defendants' Motions should not be granted. In response to the Order, the United States avers as follows:

1. At a status conference on November 16, 2005, Defendants Siegelman and Scrushy asked this Court for permission to file under seal their Motions for Reconsideration of Judge Coody's Order and Memorandum Opinion on Recusal, dated November 10, 2005. The United States did not object to Defendants' request to seal these filings.
2. This Court granted Defendants' request and ordered that all filings relating to the issue of recusal be done under seal.
3. Defendants now petition this Court to unseal only the pleadings, but not the exhibits attached thereto, that the parties filed on the recusal issue.
4. As the United States did not object to Defendants' request to seal the filings on the

recusal issue, the United States now does not object to Defendants' Motion to Unseal.

WHEREFORE, based on the foregoing, the United States requests that this Court GRANT Defendants' Motion to Unseal.

Respectfully submitted this the 17th day of January, 2006

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ASB-9077-E31J

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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

LOUIS V. FRANKLIN, SR.
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